



06-15-04

IFNHC
JH

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Kennedy et al.)
Serial No.: 10/656,933) Group Art Unit: Not Yet Assigned
Filed: September 5, 2003) Examiner: Not Yet Assigned
For: Processing Transactions Using) Attorney Docket No.: EHP-003.02
a Semantic Network)

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as express mail (Express Mail Label No. EV 327707745 US) in an envelope addressed to: Mail Stop: Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on June 14, 2004.

Steve G. Pereira

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

06/16/2004 JADDO1 00000074 061448 10656933
01 FC:1460 130.00 DA

PETITION UNDER 37 C.F.R. § 1.47(a)

Dear Sir:

This Petition is submitted under 37 C.F.R. § 1.47(a) in reply to the Notice to File Missing Parts for the subject application, said Notice dated November 26, 2003. The Notice to File Missing Parts indicates that an executed declaration of all inventors is required to complete the filing of the application, further with a \$385.00 filing fee and a surcharge fee of \$65.00.

The signatures of inventors James Kennedy and John Trustman have not been obtained after diligent effort. Accordingly, this Petition is provided to complete the filing of the application.

I. Pursuant to 37 C.F.R. § 1.47(a) and § 1.17(h), the Commissioner is hereby authorized to charge deposit account **06-1448, Reference EHP-003.02**, the following fees:

\$130.00 fee for consideration of this petition;

\$1005.00 fee for extension of time in responding to the Notice to file Missing Parts;

FHBoston/1068060.1

06/16/2004 JADDO1 00000074 061448 10656933
04 FC:2255 1 1005.00 DA

\$385.00 filing fee; and,

\$65.00 declaration surcharge fee.

Also provided herein is a Copy of the Notice to File Missing Parts, and Replacement drawings for Figures 1-7.

The undersigned further respectfully petitions, pursuant to 37 CFR 1.136(a), for an extension of time of five (5) months, with payment of the applicable extension fee authorized by the foregoing statements. The Commissioner is hereby authorized to charge any other fees/deficiencies, and credit any overpayments, to deposit account **06-1448, Reference EHP-003.02.**

II. Pursuant to 37 C.F.R. § 1.47(a) and MPEP § 409.03(a):

Enclosed are declarations executed by inventors Heather Ellen Bergeron, Chris Easton, Kunjan Jhaveri, Eugene Krylov, John Morris, Simone Lemos Pringle, Benjamin Sprecher, and Andre Yoshida, with the signature blocks of non-signing inventors John Trustman and James Kennedy remaining blank, said executed declarations referencing the subject application.

III. Pursuant to 37 C.F.R. § 1.47(a) and MPEP § 409.03(a) and (d):

1. On or about January 29, 2004, the undersigned provided a package via U.S. mail to inventors John Trustman and James Kennedy with a copy of Declarations for all applications under which Mr. John Trustman and Mr. James Kennedy are listed as inventors, including the subject application (Exhibit A).

2. On or about March 10, 2004, the undersigned provided a package via U.S. mail, certified mail, return receipt, to inventors John Trustman and James Kennedy with a copy of Declarations for all applications under which Mr. John Trustman and Mr. James Kennedy are listed as inventors, including the subject application (Exhibit B)..

3. On or about May 28, 2004, the undersigned provided a package via U.S. mail, certified mail, return receipt, to inventor James Kennedy with a copy of all pending applications and associated Declarations for all applications under which Mr. James Kennedy is listed as an inventor, including the subject application (Exhibit C), and the undersigned provided a package via Federal Express to inventor John Trustman with a copy of all pending applications and associated Declarations for all applications under which Mr. John Trustman is listed as an inventor, including the subject application (Exhibit D).

4. Applicants' Attorney has not received any response from Mr. James Kennedy or Mr. John Trustman.

5. Pursuant to 37 C.F.R. § 1.47(a) and MPEP § 409.03(a) and (e), the last known address of inventor James Kennedy is:

5302 Cedar Bend Creek

Houston, TX 77041-6606; and,

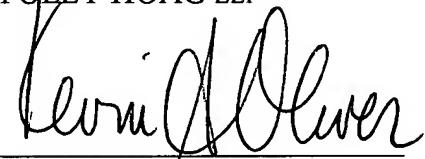
the last known address for inventor John Trustman is:

11 Salt Island Road

Gloucester, MA 01930-1972

Based on the foregoing statements and the accompanying documents, granting of the present Petition under 37 C.F.R. § 1.47(a) is requested.

Respectfully submitted,
FOLEY HOAG LLP



Kevin A. Oliver

Reg. No. 42,049

Attorney for the Applicants

Date: June 14, 2004

Customer No. 25,181
Patent Group
Foley Hoag LLP
155 Seaport Blvd.
Boston, MA 02210
Tel: (617) 832-1241
Fax: (617) 832-7000



January 29, 2004

Kevin A. Oliver
Boston Office
617.832.1241
koliver@foleyhoag.com

James Kennedy
5302 Cedar Bend Creek
Houston, TX 77041-6606

Re: U.S. Patent Application No. 10/642,126
Semantic Network by Kennedy, et al.
Our Docket No. EHP-002.03
U.S. Patent Application No. 10/656,931
Configuring a Semantic Network to Process Transactions by Bergeron, et al.
Our Docket No. EHP-003.01
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Our Docket No. EHP-003.02
U.S. Patent Application No. 10/656,909
Processing Transactions Using a Structured Natural Language
Our Docket No. EHP-003.03
U.S. Patent Application No. 10/680,863
Configuring a Semantic Network to Process Health Care Transactions
Our Docket No. EHP-003.04
U.S. Patent Application No. 10/681,052
Processing Health Care Transactions Using a Semantic Network
Our Docket No. EHP-003.05

Dear James:

Enclosed are the following documents with respect to the above referenced applications:

1) Declaration for Utility Application Using an Application Data Sheet. Please sign the form where indicated by the "Sign Here" sticker.

2) Assignment. Sign and date the form where indicated. Please note, your signature must be witnessed, but the witness need not be a notary public.

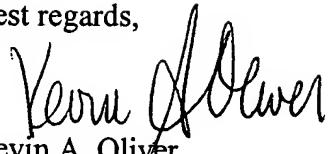
After all forms have been completed, please return them to me by either facsimile at 617-832-7000 or regular mail.

FHBoston/1007598.1

Exhibit A
1/4

James Kennedy
January 29, 2004
Page 2

Best regards,


Kevin A. Oliver

KAO:tab
Enclosures

Exhibit A
2/4



**FOLEY
HOAG LLP**
ATTORNEYS AT LAW

January 29, 2004

Kevin A. Oliver
Boston Office
617.832.1241
koliver@foleyhoag.com

John Trustman
11 Salt Island Road
Gloucester, MA 01930-1972

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Our Docket No. ~~EHP-003.02~~ ←
U.S. Patent Application No. 10/656,909
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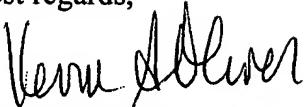
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FHBoston/1007598.1

John Trustman
January 29, 2004
Page 2

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Kevin A. Oliver

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Enclosures

Exhibit A
4/4



**FOLEY
HOAG LLP**
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March 10, 2004

Kevin A. Oliver
Boston Office
617.832.1241
koliver@foleyhoag.com

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

James Kennedy
5302 Cedar Bend Creek
Houston, TX 77041-6606

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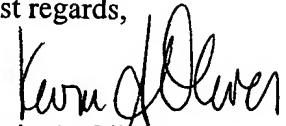
FHBoston/1007598.2

Exhibit B
1/4

James Kennedy
March 10, 2004
Page 2

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Kevin A. Oliver

KAO:tab
Enclosures

Exhibit B
2/4



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HOAG LLP**
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March 10, 2004

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koliver@foleyhoag.com

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FHBoston/1007598.2

Exhibit B
3/4

John Trustman
March 10, 2004
Page 2

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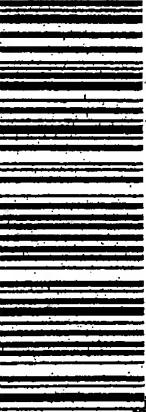
Kevin A. Oliver

KAO:tab
Enclosures

Exhibit B
4/4

PLACE STICKER AT TOP OF ENVELOPE
TO THE RIGHT OF RETURN ADDRESS.
FOLD AT DOTTED LINE

CERTIFIED MAIL



7000 1670 0000 7474 2447

7000 1670 0000 7474 2447

Postage \$ Ref. 21912-9

Certified Fee

Return Receipt Fee
(Endorsement Required)

Restricted Delivery Fee
(Endorsement Required)

Total Postage & Fees \$

Postmark
Here

Recipient's Name (Please Print Clearly) (to be completed by mailer)
James Kennedy

Street, Apt. No., or PO Box No.
5302 Cedar Bend Creek

City, State, ZIP+4
Houston TX 77041-6606

PS Form 3800, February 2000

See Reverse for Instructions

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY																					
<ul style="list-style-type: none"> ■ Complete Items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 		<table border="1" style="width: 100%;"> <tr> <td style="width: 50%;">A. Received by (Please Print Clearly)</td> <td style="width: 50%;">B. Date of Delivery</td> </tr> <tr> <td colspan="2">C. Signature X</td> </tr> <tr> <td colspan="2"> D. Is delivery address different from item 1? If YES, enter delivery address below: <table border="0" style="width: 100%;"> <tr> <td style="width: 70%;"><input type="checkbox"/> Agent</td> <td style="width: 30%;"><input type="checkbox"/> Addressee</td> </tr> <tr> <td><input type="checkbox"/> Yes</td> <td><input type="checkbox"/> No</td> </tr> </table> </td> </tr> <tr> <td colspan="2"> 3. Service Type <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;"><input checked="" type="checkbox"/> Certified Mail</td> <td style="width: 50%;"><input type="checkbox"/> Express Mail</td> </tr> <tr> <td><input type="checkbox"/> Registered</td> <td><input checked="" type="checkbox"/> Return Receipt for Merchandise</td> </tr> <tr> <td><input type="checkbox"/> Insured Mail</td> <td><input type="checkbox"/> C.O.D.</td> </tr> </table> </td> </tr> <tr> <td colspan="2">4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</td> </tr> </table>		A. Received by (Please Print Clearly)	B. Date of Delivery	C. Signature X		D. Is delivery address different from item 1? If YES, enter delivery address below: <table border="0" style="width: 100%;"> <tr> <td style="width: 70%;"><input type="checkbox"/> Agent</td> <td style="width: 30%;"><input type="checkbox"/> Addressee</td> </tr> <tr> <td><input type="checkbox"/> Yes</td> <td><input type="checkbox"/> No</td> </tr> </table>		<input type="checkbox"/> Agent	<input type="checkbox"/> Addressee	<input type="checkbox"/> Yes	<input type="checkbox"/> No	3. Service Type <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;"><input checked="" type="checkbox"/> Certified Mail</td> <td style="width: 50%;"><input type="checkbox"/> Express Mail</td> </tr> <tr> <td><input type="checkbox"/> Registered</td> <td><input checked="" type="checkbox"/> Return Receipt for Merchandise</td> </tr> <tr> <td><input type="checkbox"/> Insured Mail</td> <td><input type="checkbox"/> C.O.D.</td> </tr> </table>		<input checked="" type="checkbox"/> Certified Mail	<input type="checkbox"/> Express Mail	<input type="checkbox"/> Registered	<input checked="" type="checkbox"/> Return Receipt for Merchandise	<input type="checkbox"/> Insured Mail	<input type="checkbox"/> C.O.D.	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
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4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes																							
1. Article Addressed to:		James Kennedy 5302 Cedar Bend Creek Houston, TX 77041-6606																					
2. Article Number (Copy from service label)		7000 1670 0000 7474 2447																					

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952

Exhibit C
1/3

May 28, 2004

Kevin Oliver
Boston Office
617.832.1241
koliver@foleyhoag.com

Via Certified Mail/Return Receipt Requested

James Kennedy
5302 Cedar Bend Creek
Houston, TX 77041-6606

Re U.S. Patent Application No. 10/642,126
Title: Semantic Network
Our Ref. No.: EHP-002.03

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Title: Processing Health Care Transactions Using a Semantic Network
Our Ref. No.: EHP-003.05

Dear Mr. Kennedy:

Enclosed are copies of the above-referenced applications. Also enclosed are the following documents which were previously sent to you that need your signature.

FHBoston/1061407.2

Exhibit C
2/3

James Kennedy
May 28, 2004
Page 2

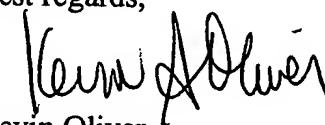
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Should you have questions, please do not hesitate to contact me at (617) 832-1241, or by email at koliver@foleyhoag.com.

Best regards,



Kevin Oliver

KAO/jyc
Enclosures
cc: Christopher Umana, Esq. (w/o encls.)

Exhibit C
3/3

Collymore, Jeannette

From: FedEx [donotreply@fedex.com]
Sent: Tuesday, June 01, 2004 9:42 AM
To: Collymore, Jeannette
Subject: FedEx shipment 791854324089

21912-9

EFP-302

Our records indicate that the shipment sent from KEVIN A. OLIVER/FOLEY HOAG LLP to John Trustman has been delivered.
The package was delivered on 06/01/2004 at 9:37 AM and signed for or released by 11 ONFILE.

The ship date of the shipment was 05/28/2004.

The tracking number of this shipment was 791854324089.

FedEx appreciates your business. For more information about FedEx services, please visit our web site at <http://www.fedex.com>

To track the status of this shipment online please use the following:
http://www.fedex.com/cgi-bin/tracking?tracknumbers=791854324089&action=track&language=english&cntry_code=us

Disclaimer

FedEx has not validated the authenticity of any email address.

Exhibit D
1/4

From: Origin ID: (617)832-1241
 KEVIN A. OLIVER
 FOLEY HOAG LLP
 155 SEAPORT BOULEVARD
 BOSTON, MA 02210



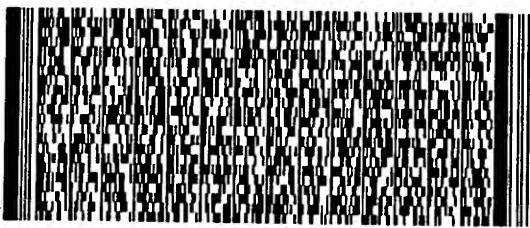
Ship Date: 28MAY04
 Actual Wgt: 3 LB
 System#: 5060022/INET1800
 Account#: S *****

REF: 21912-9

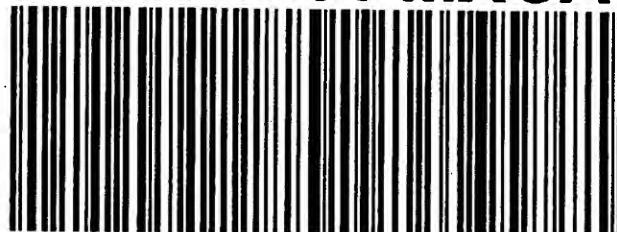


Delivery Address Bar Code

SHIP TO: (781)372-3800 BILL SENDER
John Trustman
11 Salt Island Road
Gloucester, MA 019301972



PRIORITY OVERNIGHT

TRK# **7918 5432 4089** FORM 0201**TUE**Deliver By:
01JUN04**BOS AA**01930 -MA-US
RES**01 MXGA**

Shipping Label: Your shipment is complete

1. Use the 'Print' feature from your browser to send this page to your laser or inkjet printer.
2. Fold the printed page along the horizontal line.
3. Place label in shipping pouch and affix it to your shipment so that the barcode portion of the label can be read and scanned.

Warning: Use only the printed original label for shipping. Using a photocopy of this label for shipping purposes is fraudulent and could result in additional billing charges, along with the cancellation of your FedEx account number.

Use of this system constitutes your agreement to the service conditions in the current FedEx Service Guide, available on fedex.com. FedEx will not be responsible for any claim in excess of \$100 per package, whether the result of loss, damage, delay, non-delivery, misdelivery, or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim. Limitations found in the current FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of \$100 or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is \$500, e.g. jewelry, precious metals, negotiable instruments and other items listed in our Service Guide. Written claims must be filed within strict time limits, see current FedEx Service Guide.

Exhibit D
2/4

May 28, 2004

Kevin Oliver
Boston Office
617.832.1241
koliver@foleyhoag.com

Via Federal Express

John Trustman
11 Salt Island Road
Gloucester, MA 01930-1972

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34
www.foleyhoag.com

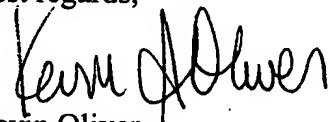
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Best regards,


Kevin Oliver

KAO/jyc
Enclosures
cc: Christopher Umana, Esq. (w/o encls.)

Exhibit D
4/4